Chapter 26: Response to Comments on the DEIS

A. INTRODUCTION

This chapter summarizes and responds to all substantive comments on the Draft Environmental Impact Statement (DEIS) for the Lambert Houses project (the proposed project) made during the public review period. Comments consist of spoken or written testimony submitted at the public hearing held by the CPC on August 10, 2016 at Spector Hall, 22 Reade Street, New York, NY 10007. Written comments were accepted through the public comment period, which ended on August 22, 2016 (see **Appendix 26**).

Section B lists the elected officials, community boards, government agencies, organizations, and individuals who commented on the DEIS. Section C summarizes and responds to the substance of these comments on the DEIS. The organization and/or individual that commented are identified after each comment. These summaries convey the substance of the comments but do not necessarily quote the comments verbatim. Comments are organized by subject matter and generally parallel the chapter structure of the DEIS. Where more than one commenter expressed a similar view, the comments have been grouped and addressed together.

Where relevant and appropriate these edits, as well as other substantive changes to the DEIS, have been incorporated into the Final Environmental Impact Statement ("FEIS").

B. LIST OF ELECTED OFFICIALS, ORGANIZATIONS, AND INDIVIDUALS WHO COMMENTED ON THE DEIS

PUBLIC AGENCIES

- United States Environmental Protection Agency, Region 2, written comments received July 26, 2016
- Andrew L. Raddant, United States Department of the Interior, written comments dated August 4, 2016
- Lisa Schreibman, Metropolitan Transportation Authority New York City Transit, emailed comments dated August 19, 2016.

ORGANIZATIONS AND INTERESTED PUBLIC

- Jose Veras, SEIU, spoken testimony, August 10, 2016

C. COMMENTS AND RESPONSES ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT

One person spoke at the August 10, 2016 public hearing on matters unrelated to the Environmental Impact Statement.

The U.S. Department of the Interior issued a letter stating that the Department has no comments on the DEIS. Similarly, New York City Transit sent an email stating that NYCT has no comments on the DEIS.

The following comments were received from the U.S. Environmental Protection Agency.

Comment 1: Given that the project would require approval by HUD, and may also apply for HUD funding, a general conformity applicability analysis is required. The analysis would focus on the direct emissions (i.e., construction) and would not include indirect emissions associated with the project. Additionally, regarding the air quality analysis that was conducted in Chapter 13, page 13-6, please note that on April 6, 2016, EPA did reclassify the NYC ozone nonattainment area to moderate. Regardless, EPA strongly encourages the use of techniques to reduce construction emissions, especially given the residential nature and density of the area and project duration. Following are just a few measures to be considered:

- Solicit bids that include use of energy and fuel-efficient fleets;
- Solicit preference construction bids that use Best Available Control Technology (BACT), particularly those seeking to deploy zero-emission technologies;
- Employ the use of alternative fueled vehicles;
- Utilize grid-based electricity and/or onsite renewable electricity generation rather than diesel and/or gasoline powered generators.

Response: The FEIS has been updated to include a general conformity applicability analysis.

The EIS has been updated to reflect that on April 6, 2016, EPA reclassified the NYC onzone nonattainment area to moderate.

As discussed in the EIS, the project would include measures during construction to reduce pollutant emissions in accordance with all applicable laws, regulations, and building codes. These include dust suppression measures and idling restrictions for on-road vehicles. Additional emissions reduction measures would also be employed to minimize air pollutant emissions during construction, including the use of newer construction equipment that would at a minimum meet U.S. Environmental Protection Agency (EPA) Tier 3 emissions standards[1], and the use of best available tailpipe technology (i.e., diesel particle filters [DPF]) to reduce diesel particulate matter emissions. Since construction of the proposed project would occur over an approximately 13-year period, there would be an increasing percentage of in-use newer and cleaner vehicles

[1] EPA's Tier 1 through 4 standards for nonroad engines regulate the emission of criteria pollutants from new engines, including PM, CO, NO_x, and hydrocarbons (HC). Tier 3 NO_x emissions range from 40 to 60 percent lower than Tier 1 emissions and considerably lower than uncontrolled engines.

and engines for construction in future years, resulting in greatly reduced air pollutant emissions related to construction activities.

Comment 2: The DEIS notes that the project will result in a decrease of open space on Parcel 10 from .10 acres to .04 acres. To help offset the impact of this loss, the project will provide approximately 12,655 square feet of open rooftop space for residents on one of the buildings on Parcel 10. Given the increasing demand for open space that will result from the addition of over 900 new residential units, and that the residential study area has a total open space ratio of 0.571 acres per 1,000 residents (which is lower than the city's goal of 2.500 total acres of open space per 1,000 residents and below the citywide community district median of 1.5000 acres per 1,000 residents), EPA recommends that all of the new rooftops be made accessible to residents as open space, not just one building on Parcel 10. Further, to enhance the sustainability of the project and reduce impervious cover, green roof techniques should be integrated wherever feasible. Green roofs reduce stormwater runoff, enhance open spaces, and help reduce heat island effects in warmer months.

Response: Because of site constraints at Parcel 10, open space for the building residents would be provided on the new building's rooftop (approximately 12,655 square feet of open space). On the other Parcels, open space would be provided for building residents in courtyards surrounded by the proposed new buildings. These open spaces, which would total approximately 240,000 square feet over Parcels 1, 3, and 5, are expected to be landscaped with a mix of shrubs and trees, and it is anticipated that lawn and seating areas would be provided as well as children's play equipment. In addition, each courtyard block would have an indoor fitness room for residents to use for active recreation. Therefore, these open space amenities would help meet some of the residents' open space needs. Rooftop open spaces for use by building residents on Parcels 1, 3, and 5 are not proposed since there is sufficient space to provide at-grade open space amenities.

Phipps will address stormwater runoff from the project Parcels in coordination with the New York City Department of Environmental Protection (DEP). As discussed in the EIS, stormwater BMPs would be required as part of the DEP site connection approval process in order to bring the new buildings into compliance with New York City's required stormwater release rate. Specific BMP methods will be determined with further refinement of the buildings' design and in consultation with DEP, but may include on-site detention systems such as planted rooftop spaces ("green roofs") and/or vaults. In addition, the buildings would also meet HPD's Enterprise Green Communities criteria, which mandate water conservation.

Comment 3: The DEIS states that the new building will meet Enterprise Green Communities criteria, which mandate energy efficiency and water conservation. EPA acknowledges this commitment and encourages that all aspects of the new construction be designed in the most sustainable way possible. We have also attached our Green Recommendation guidelines as a reference for ways that this and future projects can be enhanced to reduce their environmental footprint and increase sustainability.

Response: Comment noted.

Comment 4: Commonly, the focus on health and the environment is contaminant-based, assessing how exposure to a contaminant could result in a negative health outcome for a specified population. This approach can be seen on page 16-1, which states, "…the proposed project would not result in unmitigated significant adverse impacts in any of the technical areas related to public health (hazardous materials, water quality, air quality, or noise)…therefore, the proposed project would not have the potential for significant adverse impacts related to public health and no further analysis is warranted." However, this way of looking at health and health disparities does not recognize the many factors in people's lives that directly and indirectly affect their health, known as health determinants. Health determinants are the range of personal, social, economic, and environmental factors that affect people's health status.[2] Health Impact Assessment (HIA) and/or elements of HIA use(s) scientific data, health expertise, and public input to factor evidence-based public health considerations into the decision-making process. The National Research Council defines HIA as a "systematic process that uses an array of data sources and analytic methods and considers input from stakeholders to determine the potential effects of a proposed policy, plan, program, or project on the health of a population and the distribution of those effects within the population. HIA also provides recommendations on monitoring and managing those effects."[3] Given the size and 13-year anticipated build out period of the proposed project, the health of the residents will be affected both directly and indirectly. While the long term outcome is expected to be beneficial, there may be adverse impacts during the construction phase, and even afterwards as the number of residences is increased, and open space decreases. These various factors should be considered and discussed with residents in advance in order to avoid, minimize or mitigate the impacts to the extent possible. EPA highly recommends that some level of HIA be incorporated into your NEPA process and documented in the final EIS. Please contact us if you would like additional information on the topic.

[2] Human Impact Partners. 2011. A Health Impact Assessment Toolkit: A Handbook to Conducting HIA, 3rd edition. Oakland, CA: Human Impact Partners.

Response: The proposed project is intended to improve the quality of life for current Lambert Houses residents while increasing the number of affordable housing units on the Development Site. The buildings currently on the site were constructed between 1970 and 1973 and have outdated and inefficient building systems. Furthermore, the configuration and circulation plan of the buildings, with multiple entrances and egresses, compromise building security by making control of access difficult.

The proposed site plan would allow for buildings with fewer, securable points of access/egress, better fire egress, and improved security. It would better integrate Lambert Houses into the surrounding neighborhood by creating a street wall with ground floor uses such as retail and maisonette apartments that activate the streetscape. The proposed project would include more affordable housing units and retail space with a more efficient configuration to better serve neighborhood needs. It would also result in improved open space for current and future residents, and would replace the existing inefficient building systems with modern, more efficient systems. The new buildings would meet current water and energy codes and as required by HPD funding, they would meet Enterprise Green Communities criteria, which mandate energy efficiency and water conservation. The EGC program also includes criteria for resident health, and requires that the project architect and developer attend a Green Communities Healthy Homes Training. Overall, the proposed project would have a strong positive impact on current Lambert Houses residents by greatly improving the quality of the housing they live in.

Phipps Houses has conducted community outreach with building residents in planning for the proposed project. Most recently, Phipps Houses staff met with Community Board 6 in February 2015 to brief them on the redevelopment proposal for Lambert Houses and solicit feedback. A public scoping meeting was held for the proposed project by HPD's Division of Building and Land Development Services – Environmental Planning Unit on October 21, 2015, and the comment period remained open through November 2, 2015. The public scoping meeting was held at a local venue, the Daly Community Room located at 921 East 180th Street, Bronx, NY. Phipps Houses staff will keep the Lambert Houses residents informed of the project status and has already worked with tenants of one of the Development Site buildings to relocate, at Phipps Houses' expense, within the Lambert Houses development in anticipation of the redevelopment project. Phipps also intends to hold a meeting for all Lambert Houses tenants prior to the start of redevelopment and will keep tenants informed of progress during the redevelopment process.

[3] National Research Council. 2011. Improving Health in the United States: The Role of Health Impact Assessment. Washington, DC: The National Academies Press.

Therefore, given the project's purpose of improving the quality of housing for Lambert Houses residents, a Health Impact Assessment is not proposed to be undertaken. In addition, the project parcels would be mapped with "E" designations, institutional controls to ensure that specific measures are implemented to avoid any significant adverse impacts related to hazardous materials, air quality, and noise.

Comment 5: Demolition of the existing structures will occur over a span of 13 years and will comprise a significant portion of the project. The draft EIS did not provide significant details regarding final disposition of construction and demolition (C&D) material for the project. Recycling and/or reuse of C&D material can lessen the impacts of increasing disposal at solid waste facilities. The final EIS should evaluate recycling, reuse and disposal options for C&D waste associated with demolition. You may find more detailed information about recycling of C&D waste at: https://www3.epa.gov/epawaste/conserve/imr/cdm/index.htm. Additionally, our Green Recommendation guidelines referenced earlier includes resources to help increase the sustainability of the project.

Response: C&D material would be transported and disposed of in accordance with all applicable rules and regulations. Phipps Houses, it its Green Enterprise application, has set a goal of targeting 75 percent waste diversion for management of construction waste. Thank you for the link to information on the recycling of C&D waste.

Comment 6: Given the local impacts of recent storm events, including super storm Sandy, EPA recommends including a discussion of how climate change may alter flood risk over time. EPA also recommends that the FEIS discuss how future climate scenarios may impact the proposal. The Final EIS's alternatives analysis should, as appropriate, consider practicable changes to the proposal and building designs to make the project more resilient to anticipated climate change. Changing climate conditions can affect a proposed project, as well as the project's ability to meet the purpose and need presented in the EIS. In some cases, adaptation measures could avoid the potentially significant environmental impacts of failure to adequately address the threat of a changing climate on the proposal.

Response: As described in the DEIS in Chapter 9, "Natural Resources," no portion of the project area is located within the 100-year floodplain (the area with a 1 percent probability of flooding each year). Small portions of the project area located closest to the Bronx River—namely, portions of Parcel 5 and Parcel 10 of the Bronx Park South Large Scale Plan, which governs development on the project area—are within the 500-year floodplain (the area with a 0.2 percent probability of flooding each year). However, no project structures would be built within the 500-year floodplain; furthermore, the proposed buildings would not be

considered critical structures and their construction would not significantly alter the floodplain or result in additional flooding to adjacent properties. The 100-year base flood elevation with and without the floodway for the Bronx River as determined by FEMA[4] at the transect closest to the project site is 13.3 feet and 14.3 feet NAVD88, respectively. The lowest surveyed elevations on Parcels 5 and 10, are above this elevation by at least 1.35 feet (Parcel 5 – 17.91 feet NAVD88, and Parcel 10 – 15.65 feet NAVD88). In addition, both the New York State Department of State (NYSDOS) and the New York City Department of City Planning (DCP) have issued their approvals of the Local Waterfront Revitalization Program Consistency review for the proposed project. Therefore, construction and operation of the proposed project would not have significant adverse impacts to floodplains within the project area or study area. In addition, the proposed project will incorporate sustainability measures consistent with HPD's Enterprise Green Communities (see discussion above).

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[4] FEMA, 2013. Flood Insurance Study City of New York, NY. Flood Insurance Study Number: 360497V000B, Version Number: 1.0.0.0.